



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,123	03/27/2001	Katsuki Hazama	1737/00014	1669

30678 7590 11/29/2006

CONNOLLY BOVE LODGE & HUTZ LLP
P.O. BOX 2207
WILMINGTON, DE 19899-2207

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 09/817,123	Applicant(s) HAZAMA, KATSUKI	
	Examiner Robert Mosser	Art Unit 3714	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on September 5th, 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

SEE CONTINUATION SHEET

Art Unit: 3714

Continuation Sheet (PTOL-462)

(A) The presented brief includes additional item (viii) Conclusion. Though an Appellant may present additional sections they are required to maintain the presentation of element (i) through (x) in the -order- set forth 37 CFR 41.37 & MPEP 1205.

(B) Section (vi) presents element C as "Unpatentability of dependent claims 39-40" this is not a proper statement of grounds of rejection to be reviewed upon appeal (See 37 CFR 41.37 & MPEP 1205). Further these claims have been previously listed under element A of this same section raising the question whether the Appellant intends to argue these claims separate from claim 1 or intends for these claims to stand or fall with the rejection of at least claim 1. Section VII reflects and inherits this issues and requires additional correction reflecting any correction made to section VI.

(C) Page 5, line 18 of the brief includes the following reference "see Specification at p. lines ;" that is absent a page number or line number.

(D) Section (v(A)) is directed to an overview of the disclosed invention and is not restricted to the claimed invention. Exemplary references to "a surface/underside judging unit" and a "coil" (Page 3 of Appellant's brief) are not provided for in the presented claims and accordingly do not accurately reflect claimed invention.

(E) Section (v(B)) fails to identify each Means-Plus-Function element and correlate the structure, material, or acts described as corresponding to each respective element with reference to the specification as filed. Presently the section of the Appellant's brief titled "Structure associated with "Means-Plus-Function limitations" (page 4 of the Appellant's brief) fails to reference the originally presented specification. If the Appellant intends to maintain that the structure is defined by any "hardware" circuits they must provide reference to the specification supporting this interpretation. Failure to provide the appropriate correlation may result in the inclusion of additional rejections in the Examiner's answer under USC 112 in accordance with MPEP 2181.

 11/27/06

ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3000 3700